

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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RUDY STANKO,

Petitioner,

v.

M. CRUZ, Local Director/Warden,  
MICHAEL NALLEY, Regional Director, and  
HARLEY LAPPIN, Director,

Respondents.

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Civil No. 08-790 (JNE/JJG)

**ORDER ON REPORT AND  
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**

Dated: May 27, 2009

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge